State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

H.B. No. 5541 (RAISED) – An Act Concerning Sexual Assault of Persons Placed or Treated Under the Direction of the Commissioner of Developmental Disabilities

Joint Committee on Public Health – March 12, 2008

The Division of Criminal Justice **respectfully recommends the Committee's Joint Favorable Report** for H.B. No. 5541, An Act Concerning Sexual Assault of Persons Placed or Treated Under the Direction of the Commissioner of Developmental Disabilities. This bill is proposed in response to an actual case where an employee of a group home operated under the auspices of the Department of Developmental Services had sexual intercourse with a resident of the home. The state was able to prosecute the group home supervisor only because of a fine point law centered on the fact that the resident was on probation and thus considered an involuntary resident of the facility.

Sexual contact between a developmentally disabled person and a group home worker should be a criminal act regardless of consent and regardless of whether the individual was voluntarily or involuntarily placed in the facility. Developmentally disabled individuals can be easily taken advantage of and manipulated. They are very eager to please, particularly when it involves someone who has control over them – as was shown to be the case in the aforementioned incident. H.B. No. 5541 makes a necessary clarification of the law. If it is the intention of the legislature to protect students from sexual advances by teachers and young athletes from sexual advances from coaches, then it would seem to follow that developmentally disabled individuals should be similarly protected from advances from group home or similar employees.

The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report. We would be happy to provide any additional information or to answer any questions the Committee might have.

Thank you.